

REMARKS

Claims 19-23 are pending in the application. By the foregoing Amendment, no claims have been amended or added. The Specification has been amended. These changes are believed to introduce no new matter and their entry is respectfully requested.

Objection to the Specification

In the Office Action, the Examiner objected to the Specification citing informalities. By the foregoing Amendment, Applicants amended the Specification to accommodate the Examiner. Accordingly, Applicants respectfully request that the Examiner reconsider and remove the objection to the Specification.

Rejection of Claims 19-23 Under 35 U.S.C. §102(e)

In the Office Action, the Examiner rejected claims 19-23 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,598,541 to Malladi et al. (hereinafter "*Malladi*"). Applicants respectfully traverse the rejection.

A claim is anticipated only if each and every element of the claim is found, either expressly or inherently, in a reference. (MPEP §2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). The identical invention must be shown in as complete detail as is contained in the claim. *Id.* citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989)). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Independent claim 19 recites in pertinent part "***second circuitry to extract an opcode for the packet header***, determine a number of bytes in the packet header, to determine a number of bytes in the packet payload, and to determine a number of bytes available in the cell buffer" (emphasis added).

In the Office Action, the Examiner states that *Malladi* discloses a receive sequence state machine (RSSM), a transmit sequence state machine (TSSM), and equates them with micro-

engines illustrating circuitry to receive and process a packet. The Examiner states that *Malladi* discloses exchange and sequence management buffer logic (ESMBL) that provides read and write control and a sequence status as well as a DMA controller for buffering and sequencing and exchange of data frames from memory. The Examiner asserts that the RSSM has the capability of receiving the request, processing the packet, and assigning the task and a buffer, that payload buffer 56, which the Examiner equates to a FIFO, can receive the queue and transmit it for sequencing. The Examiner states that the RSSM processes a credit count scheme (counter) and that the RSSM and TSSM function to read the FIF formatted header data from. Applicants respectfully disagree.

Applicants respectfully submit further that the Examiner has failed to make out a *prima facie* case of anticipation of claim 19 with respect to *Malladi* because the Examiner has failed to demonstrate how *Malladi* teaches the identical invention as recited in claim 19. For example, the Examiner has not shown where *Malladi* discloses "second circuitry to extract an opcode for the packet header" as recited in claim 19. The Examiner does not assert that *Malladi* discloses this feature of the claimed invention. Applicants respectfully submit that this is because *Malladi* does not disclose either expressly or inherently "second circuitry to extract an opcode for the packet header." Accordingly, Applicants respectfully submit therefore that claim 19 is patentable over *Malladi*.

Claims 20-23 properly depend from claim 19 and are thus patentable for at least the same reasons that claim 19 is patentable. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)). Accordingly, Applicants respectfully request that the Examiner reconsider and remove the rejection to claims 19-23.

CONCLUSION

Applicants respectfully submit that all grounds for rejection have been properly traversed, accommodated, or rendered moot and that the application is now in condition for allowance. The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION

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